

APPENDIX A

Comparison of Portion of Opening Statement With
Portion of Confession of Jerry Lee Rawls

OPENING STATEMENT

... the man in the Olds hit Rawls first in the nose and knocked him back a little ways and Marty jumped out of the car and Rusty said something to Marty but Rawls didn't hear what it was.

Rusty grabbed hold of Marty and Rawls walked to him and told Rusty to let go.

Marty and Rusty didn't pay any attention to him, so Rawls says that Marty [sic] picked up a rock off the ground and hit him in the back of the head.

All three struggled and fell over the bank. When they fell down Rawls said he kicked him in the ribs a couple of times and he was standing up then and Marty and Rusty were on the ground and he didn't know how much fighting went on there but he started to run back up toward the car. Rawls said he tripped trying to run up the bank on some wire, and there is wire, and he fell back down and he could hear Rusty gasping but he didn't say anything.

RAWLS' CONFESSION

... and then he hit me beside my nose on my cheek, and knocked me back a little ways. Marty then jumped out of the car and Russ said something to Marty. I don't know what it was.

Russ then grabbed ahold of Marty. I walked over to them and told Russ to let go of Marty.

He didn't pay any attention to me and I picked up a rock off the ground and hit him in the back of the head.

We all three struggled and fell over the bank. When we fell down I kicked him a couple of times in the ribs. I was standing up then and Marty and him were on the ground and I don't know how much fighting was going on at that time.

I tripped trying to run up the bank on some wire and fell back down. I could hear Russ gasping but he didn't say a word.

OPENING STATEMENT

He then threw the rock that he had used in back of the car and Marty also threw rocks in back of the car.

They then both started to drag Rusty toward a spot in the field that they had picked out; that Rusty was on his back and Rawls had a hold of him underneath the left arm-pit and by the trousers. Marty had a hold of him by his right side, but he didn't know what part exactly he had hold of.

They stopped dragging him by the edge of the ditch and he, Rawls, fell in the ditch—after he slipped that he went to the other scene where they had been fighting and they kicked dirt over the bank where the blood was and that Marty got in the car on the driver's side and put a key in the ignition, got the key in but broke it off.

That since they couldn't drive the car then they walked over to the Shell station on 82nd.

RAWLS' CONFESSION

I then threw the rock that I using [sic] up behind the car. Marty also threw some up behind the car.

We then both started dragging Russ toward a spot in the field that we picked out. He was on his back. I had a hold of him underneath the left armpit and by his trousers. Marty had a hold of the front part of his right side but I don't know what part of his body he had a hold of.

We stopped dragging him at the edge of the ditch. We started to drag him in and I slipped and fell. I climbed back out of the ditch and we left him there. We went back to the car and kicked dirt over the bank onto the blood stains. Marty got into the driver's side of the car and I went around and got in on the passengers side. Marty tried to find the right key for the ignition. He got a key into the ignition but broke it off.

We couldn't drive the car then so we got out and walked. We then walked to the Shell Station on 82nd Street. One car passed us while we were walking toward the station.

OPENING STATEMENT

They went to the rest room and washed the blood off and then they went to the phone booth and Marty went inside and called and he stood by the phone booth, and the cab then came out in five or ten minutes to pick them up.

He said "We took all of the clothes off after we got home and put them in a travel bag, and went to bed about 5:00 o'clock in the morning." He says that when they got in the taxicab they both took off portions of the bloody clothing. He took off the sweater and Marty took off the shirt, as well as the hat, and they got off. Then the next morning when they got up Marty took a gold-colored cigarette lighter from his pocket, threw it on the bed, said "That lighter belongs to that guy last night." And Rawls recognized the cigarette lighter as being one that Russell had had at the Harmony Inn. . . . (Tr. 262-64; A. 42-43).

RAWLS' CONFESSION

I went into the restroom at the station to wash the blood off me and Marty went over to the phone booth to call a cab. Then I went and stood by the phone booth and Marty went inside and washed up. We waited five or ten minutes and the cab picked us up. I don't know what cab company it was that came for us. The cab then took us from the station to 92nd and Woodstock. We walked from there on home, about 9 blocks.

We took all of our clothes off after we got home and Marty put them in his traveling bag and put it at the foot of the bed. We both went to bed and it was about 5:00 A.M. . . . (Ex. 5, p. 8, R. 20; A. 98-99, 5).